THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.26073 OF 2005

Dated: 06-12-2005

Between

Dhan Singh, S/o. late Tikkaram Singh, R/o. 12-1-325, Asifnagar, Hyderabad and another.

...PETITIONERS

AND

Commissioner, Land Reforms and Urban Land Ceiling, A.P. at Hyderabad and another.

...RESPONDENTS

ORDER:

Learned counsel for the petitioners submits as against the orders of the Special Officer & Competent Authority, Urban Land Ceiling Hyderabad dated 29.09.1994 in file No.D1/3588 to 3591, 7156, 7157, 7159 to 7171, 7173 50 7175 of 1996, one Sri Jagannath Singh S/o. Late Pooran Singh and 22 others have filed an Appeal No.541 of 1994 before the Commissioner, Appeals, which was admitted on 22.11.1994 and stay was granted vide Ref.No.Hyd/541/94 dated 22.11.1994. On the request of the Special Government Pleader, during hearing on 07.10.2005, the Commissioner, Appeals, vacated the stay and posted the appeal for hearing on 29.11.2005. The matter was further adjourned to 06.01.2006.

It is further submitted that the petitioners herein are the appellant Nos.22 and 23 in the said appeal. Initially, one

Md. Amjadullah Khan filed vakalat on behalf of the 23 appellants.

The petitioners gave power of attorney to the appellant No.17, who is the son of first petitioner's brother. Thereafter, as certain disputes arose between the first petitioner and his

brother and as the appellants 16 and 17 were acting against the interest of the petitioners, they have cancelled the GPA vide Registration No.125 of 2003 dated 05.09.2003 and engaged Smt. A. Chaya Devi as their counsel, who filed vakalat on 18.11.2004. As there was no objection endorsement from the previous counsel, the first respondent directed the petitioners to file an affidavit and posted the matter to 03.12.2004. The first respondent received the affidavit on 07.10.2005.

Admittedly, neither the petitioner counsel nor the counsel for the other appellants was present before the first respondent on 07.10.2005. Therefore, the first respondent vacated the stay granted on 22.11.1994 and posted the matter to 29.11.2005 and further adjourned to 06.01.2006. As the petitioners have engaged
Smt. A. Chaya Devi as their counsel, I am of the opinion that it is just and proper to give reasonable opportunity to the petitioners to appear through their counsel.

Having regard to the submission made by Smt. A. Chaya Devi, learned counsel for the petitioners that she will appear before the first respondent on 06.01.2006 and make her submissions before the first respondent- appellate authority, this Court deems it appropriate to direct the first respondent to consider and dispose of the appeal after hearing the learned counsel appearing for the petitioners/appellant Nos.22 and 23 and pass final order on 06.01.2006 itself. If for any reason, the appeal is not disposed of on 06.01.2006, the first respondent may consider and dispose of the same as expeditiously as possible within a period of six weeks from the date of receipt of a copy of this order. Till then the stay granted on 22.11.1994 shall be continued in favour of the petitioners alone, who are appellant Nos.22 and 23.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 6, 2005

Note: Furnish C.C. of the order by 08.12.2005

(**B/O**)

DSK